

# Chapter 4

## Migration Across the Mediterranean: Shaping Italy-Libya Relations Over Time



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### 4.1 Introduction

The issue of cross-Mediterranean migration into the European Union (EU) has long been contentious. While for many years a matter the Southern EU Member States were left to deal with, the arrivals in 2015 made the rest of the Union become more acutely aware and engaged. The numbers of people crossing the sea were initially rather modest in the 1990s, yet the emphasis put on stricter measures to control the external borders following the Schengen acquis sought to weigh up for the elimination of internal border checks. As migration across the Mediterranean has continued throughout these years, and at times increased despite stricter and more sophisticated attempts to oversee and manage this maritime border, the role of Italy and Libya's cooperation in this, is a central piece of the puzzle. Of the various migratory routes that have been prevalent over these years, the so-called Central Mediterranean route from Libya to Italy has been tainted with tragedies, in terms of human lives lost at sea, and with tensions, in terms of political tugs of war around how to best respond to these migrant crossings. The relations entertained by Italy with Libya in this context have been particularly contentious, due to Libya's long-standing status as a political pariah state. The developments of this cooperation over the last three decades are thus central to understand more broadly Europe's approach to cross-Mediterranean migration.

In this chapter, we begin by drawing up a short history of the political relationships between Italy and Libya, divided into subsections for the country-specific

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reasons for their joint migration management expanding. In Sect. 4.3 we then focus on three Italo-Libyan milestone migration-related agreements; the 1998 Joint Communiqué, the 2008 Friendship Treaty and the 2017 Valletta Memorandum, which each ushered in important stages in Central Mediterranean migration management involving Italy, Libya and ultimately also the EU. The final Sect. 4.4 then zooms in on the timeline of naval operations in the Central Mediterranean related to migration and involving Libya.

## 4.2 Brief History of Italy-Libya Relations and Migration Cooperation

Before outlining the three main agreements that have marked Italo-Libyan relations over the past three decades, we start by describing how migration management rose on the Italian political agenda, and then how it emerged as a key point for negotiating external relations for Libya.

### 4.2.1 *Italy's Growing Desire to Manage Migration*

The backdrop to Italo-Libyan cooperation on migration can be traced to the 1980s and 1990s. Initially, efforts were quite one-sided, with Italy as the instigator and primary force. The reason for Italy's desire to engage with Libya on the topic of migration was not at this stage due to particularly alarming numbers of migrant crossings across the Central Mediterranean,<sup>1</sup> but rather due to both domestic and regional political developments. First, Italy's entrance into the Schengen agreement, signed in 1990 and implemented into both Italian law and the EU's Amsterdam Treaty in 1997 came with new obligations. Second, the first mass-influx of migrants to Italy in modern times – and their subsequent *refoulement* – constituted a watershed moment, when approximately 20,000 Albanians escaping the collapse of Communist Albania reached Southern Italy on the *Vlora* shipping vessel in 1991. Both events contributed to shape Italy's rationale for wanting to engage with Libya on migration management – seen as another potential avenue of incoming migrants at a time where the external borders of the EU (then the European Economic Community, or EEC) were under increased scrutiny. During the 1990s, several civil wars on the continent, combined with a pan-African immigration policy pursued by the Libyan leadership, led many migrants towards Libya. A later backlash on immigrants in Libya in the 2000s would push these to other North African countries and towards Europe (de Haas, 2006).

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<sup>1</sup>Systematic data collection of number of migration crossings over the Central Mediterranean route only began in 1998. See Fargues, 2017 and <https://missingmigrants.iom.int/>

The entering into force of the Schengen Agreement marked a first major milestone. In the mid-1980s, Italy (alongside other countries on the periphery of the EEC such as Greece) was kept out of the initial talks to form a borderless area. At first this area was planned to encompass France, West Germany and the Benelux countries, but the idea was later brought into the wider EEC policy field and turned into the foundations of Schengen (Comte, 2015). France's President François Mitterrand and West German Chancellor Helmut Kohl announced the Saarbrücken Accord in July 1984, meant to ease the crossing of both people and commodities by abolishing their bilateral border controls, harmonizing legislation and externalizing security checks to their frontiers with adjacent nations. Italy's Foreign Minister Giulio Andreotti shortly thereafter signaled his country's strong interest in negotiating a similar agreement with France. His French counterpart quickly declined the Italian request, however, as France had concerns about Italian immigration policy and fears of what opening its borders to Italy could entail. The list of French demands for Italy to be allowed into the Schengen deliberations was extensive and included: broad border policing cooperation, a drastic tightening of immigration policy, a harmonization of visa requirements (including demanding visas from countries just across the Mediterranean, hitherto exempted by Italy, including Libya) and, chiefly, a readmission agreement between the two countries, governing any migrants caught illegally or denied admission into France (Paoli, 2015).

Despite initial protests, Italy eventually did cave in to demands and went on to become a full-fledged party to the Schengen acquis, conforming its immigration legislation to the stricter regulations already adopted by the other parties to the agreement. The country signed both the Saarbrücken Accord and the Schengen Agreement itself on November 27, 1990. From there, the controls were implemented swiftly – already the following year as many as ten out of the twelve EEC member states now required visas for citizens of all Arab states (Comte, 2015; Paoli, 2015). Indeed, Pastore et al. (2006) claim that these visa requirements in themselves helped create the Central Mediterranean route across the Sicilian channel by complicating the legal avenues for the seasonal agricultural workers that had long been employed in the Sicilian Agricultural sector, on Corsica and in Southern France, and that were still needed (Alba & Silberman, 2002; Fromentin, 2022).

By the early 1990s the share of foreign-born persons living in Italy was 356,000 or approximately 0.6% of Italy's population, and the first attempts at regularizing their presence took place (King & Andall, 1999). The Martelli Law – named after Vice President of the Council of Ministers Claudio Martelli – entered into effect in February 1990, and it is notable as being postwar Italy's first attempt to properly legislate migration. The law attempted to regulate the arrival, registration, integration and path to citizenship of migrants. The law, however, had significant and important shortcomings that quickly became visible; despite what the legal framework now demanded, there was very little practical preparedness or training of personnel supposed to handle and receive migrants, nor were the facilities to house them ready. The Italian attempts to manage migrant arrivals seemed haphazard and characterized by ad-hoc solutions of sometimes dubious legal standing (Colucci, 2018).

A landmark event that shaped this impression came in the summer of 1991 when the Italian-built ship *Vlora*, crammed with as many as 20,000 people escaping chaotic post-communist Albania, anchored in the Southern Italian port city of Bari, and brought with it fears of increasing immigration of ‘destitute’ and ‘foreign’ people. The Italian government initially housed the arriving Albanians in the city’s soccer stadium, orchestrating helicopter drops of food and water as the security situation quickly deteriorated in the overcrowded sports’ facility. Within days, any attempts to process the migrants through the system ostensibly set up by the Martelli Law was abandoned and instead the Italian government forcibly returned all arriving migrants to Albania, making it the first documented cases of illegal Italian *refoulement* in violation of the Refugee Convention (Ballinger, 2018; Fargues, 2017; Triulzi, 2016).

The *Vlora* incident and its portent of a potential change in migrant arrivals had domestic political consequences for Italy. With the mid-1990s election win for Silvio Berlusconi’s *Forza Italia*, a new incipient foreign policy emerged that was less willing to put European integration above all else. This new ‘Euro-realist’ political paradigm viewed international and European influence on Italy’s political agenda with suspicion, made wider use of bilateral relations to further its own foreign policy, and sought to define and defend Italian “national interests” more vigorously. This last point aimed to curry favor with public opinion and seemingly “stand up” to the EU, criticizing Brussels while still wanting to remain within both Schengen and the Union. Stemming Mediterranean migration figured high among those national interests.

The Schengen system resulted in a complete change of Italy’s migration agenda and approach. Italy’s immigration situation and attitudes towards migrants underwent further changes after domestic developments in the 1990s, becoming considerably less *laissez-faire*, more restrictive, and inclined towards *refoulement* as an acceptable practice. The Italian migration regime would in the coming years undergo a process of externalizing its border controls across the Mediterranean and into Libya.

#### ***4.2.2 A Gradual Partnership – Migration Control Rises on the Libyan Agenda***

As the 1990s came to a close, Italy’s new foreign policy priorities led it to seek both a strengthening of economic ties and an introduction of border policing cooperation with countries along the Southern Coasts of the Mediterranean. Libya was gradually becoming more receptive to this conflating of policy fields (Morone, 2017).

After spending much of the 1980s and 1990s as an international pariah due to its antagonistic relationship to both the US and countries in the region because of its

support for international terrorism, Libya sought to move back into the orbit of European countries. Italy had maintained a mostly cordial diplomatic relationship with Muammar Gaddafi's Libya since the 1969 coup, keeping the eccentric and autocratic leader's regime at political arm's length, while continuing a gradual expansion of economic involvement in its former colony. This involvement primarily took the shape of Italian multinational oil and gas giant ENI (*Ente Nazionale Idrocarburi*, or National Hydrocarbons Authority) increasing its importance for both exploration and production in the Libyan sector. But aside from this economic cooperation, the otherwise complex political climate meant there was initially little room for *rapprochement*. This was made even more complicated by Gaddafi's continuous insistence since his coup that Italy pay reparations for crimes committed during the colonial occupation. There had been a modest one-time payment of Italian £5 million agreed with the previous Libyan monarchy in 1956, but the Italian authorities insisted it was not linked to either colonial reparations or damages incurred during the Second World War, but rather a "contribution to the economic reconstruction of the country" (Colafrancesco, 2012; Del Boca, 2011; Morone, 2013; Paoletti, 2011). Indeed, the colonial history of Italy and Libya had mostly been downplayed by a long sequence of Italian governments. This was about to change in the 1990s.

Ultimately, the sanctions and embargo placed upon Libya for the country's rogue policies and terror financing – in combination with low oil prices throughout the 1980s – took their toll on the country's finances. Interestingly, this embargo strongly contributed to an already developing situation where Libya itself became a destination for migrants seeking work. This began in the 1970s and 1980s with the expansion of oil and gas extraction installations in the country and picked up pace with Gaddafi's Pan-Arabist and later Pan-Africanist policies, seeking both labor migration and political support elsewhere as the embargo and Western sanctions started to bite. By 2008, it has been estimated that between 1 and 1.5 million migrants resided in Libya, bringing both much needed labor to the Libyan labor market, but also at times creating friction within Libyan society (de Haas, 2006; Paoletti, 2011). Meanwhile, in Italy the political upheavals of the early 1990s, when the Christian Democratic party (DC) and the Italian Socialist Party (PSI) – which had governed Italy for most of the postwar period – lost power, creating fresh openings for new politicians. Tentative Italian outreach to Libya happened in the first half of the 1990s as a part of the *politica del buon vicinato*, which translates into "Good Neighborhood Policy." Towards the end of the decade this policy yielded results, with the Joint communiqué and a verbal process alongside it, both signed by the Libyan Secretary of the General People's Committee, Omar Mustafa el-Muntasser, and Italian Foreign Minister Lamberto Dini on July 4, 1998 (Colafrancesco, 2012; Coralluzzo, 2008; Del Boca, 2011; Labanca, 2015; Lombardi, 2011; Ronzitti, 2009). It signaled the first time both colonial history, economic cooperation and migration control were mentioned in any Italo-Libyan agreement text.

### 4.3 Three Key Agreements – Their Consequences and Specifics

The signing of the Joint communiqué in 1998 marked the beginning of a new form of bilateral relation and cooperation between Italy and Libya, enshrined in this agreement, pursued and further consolidated with the 2008 Treaty on Friendship, Partnership and Cooperation – and then renewed within a new and complex political configuration in Libya, with the Valetta Memorandum in 2017. In this section we first describe the political context leading to these three different agreements and what consequences the agreements had for migration management cooperation, before briefly reviewing each agreement.

#### 4.3.1 *Three Decades Marked by Three Different Bilateral Agreements*

The most important and immediate effect of the 1998 Joint communiqué was an ever-closer economic involvement of Italian companies in Libya, particularly ENI's role in the petroleum sector. Toward the end of the millennium, ENI was responsible for more than half of Libya's oil exports, and the two economies became ever more intertwined, ensuring an increased importance of Italo-Libyan petroleum industry. The mention of migration was an important first, though in the late 1990s that meant a joint combating of visa forgery, not yet physical patrols or interceptions (Italian & Libyan Governments, 1998a). It would take another decade of Italo-Libyan political negotiations and deliberations to result in a significant milestone in their migration cooperation. The later Friendship Treaty was signed into being when Berlusconi traveled to Libya to meet Gaddafi in Benghazi, on August 30, 2008. The intermingling of issues such as an apology for colonial crimes and related reparations offered to Libya by Italy, the continued expansion of Italian companies' – chiefly ENI's – presence in the Libyan oil and gas sector, and Italy's desire for Libya to take a more active role in policing its borders and cooperating with an Italian migration management agenda, were the key characteristics of this treaty (Italian & Libyan Governments, 2008). Regarding migration, the treaty was also quick to produce effects—between 2008 and 2010, “illegal” migrant arrivals to Italy decreased from 37,000 to 405 (Lombardi, 2011). This also helped Libya being welcomed back into the fold after years of international isolation and ended the long-standing international embargo and sanction regime against the country (Morone, 2017; Triulzi, 2013). In fact, on September 5, 2008 only a few days after the treaty was signed, US Secretary of State Condoleezza Rice arrived for a historic visit to Tripoli (Morone, 2013).

This new arrangement would be short-lived, however. The armed opposition to long-time autocratic ruler Gaddafi in the Arab uprisings of 2010–12 and ensuing NATO intervention to unseat him and protect the civilian population threw both regional politics and migration policy cooperation into a tumultuous stage. By 2012

another challenge to Italy and Libya's cooperation came with the European Court of Human Rights (ECHR) condemnation in the case of *Hirsi Jamaa and others v. Italy*. The judgment came after 24 Eritrean and Somali nationals who had been forcibly returned to Tripoli after having been intercepted by the Italian coastguard on May 6, 2009, brought their case before the ECHR (Andrade, 2014; ECHR, 2012; Triulzi, 2016). The interception was probably what the 2008 Treaty was meant to facilitate, but the judgment showed how it in practice was at odds with what European Human Rights law allowed.

Despite the ECHR ruling, Italy attempted to revive the clauses of the 2008 Friendship Treaty relating to migration management just months after Gaddafi's fall in 2011, making new agreements with the National Transitional Council (NTC), Libya's interim government. This was not feasible at the time, as the civil war that erupted after Gaddafi's demise drew in external actors both from the region and internationally. These coalesced into two sides facing off each other; Turkey, Qatar, and Italy supporting Tripoli's UN-recognized government, versus Russia, Egypt, UAE, Saudi Arabia, and France giving their support to the self-declared Khalifa Haftar government. The promise of involvement in Libyan reconstruction and resource extraction after an eventual end to hostilities was a motivating factor in their respective involvements.

The disarray and conflict in Libya notwithstanding, the country remained at the center of Italian and European efforts to externalize the management of migration. The increased numbers of people crossing over to Italy from 2013 and 2014 onwards, led to what has alternatively been called a "refugee crisis" and a "migration crisis" (perhaps mostly aptly called a "reception crisis"). The crisis-rhetoric that followed, mixed with the actual challenges of accommodating the increase in migrant arrivals and concurrent public anxiety, had far reaching consequences. This troubled political atmosphere resulted in the EU trying to immediately limit migrant entries into the union from across the Mediterranean, most (in) famously with the EU-Turkey Joint Statement signed on March 20, 2016. Meanwhile, in the Central Mediterranean a new migration-related agreement building on previous Italian efforts vis-à-vis Libya, was put into place. This was the Valletta Memorandum, signed between the two countries (the deal supported and partially financed by the EU) on February 2, 2017 (Palm, 2020; Thevenin, 2021). This memorandum came to be after the then-Italian Interior Minister and veteran of the Italian secret services Marco Minniti, first negotiated a deal involving payments to the Awlad Suleiman, Tubu, and the Tuareg – ethnic groups involved in organizing migrant treks across Southern Libya towards the Mediterranean – to stop directing migrants northwards (Larémont et al., 2020). At the same time Rome offered the Libyan government in Tripoli and local militias in cities like Misrata and Sabratha financial assistance to secure their endorsement of the initiative (Morone, 2018; Trew & Kington, 2017). The number of migrants making the crossing across the Central Mediterranean subsequently tumbled in 2016 and 2017. In August 2017, normally a peak season for crossings, the media reported an 85% drop in arrivals to Italy, compared with the previous two years (Walsh & Horowitz, 2017).



Throughout this period, there were also international attempts at securing a lasting peace in Libya. This chiefly happened through the Libya-led and UN-backed *Libyan Political Dialogue Forum* (itself evolving from prior peace initiatives) through two conferences held in Berlin in 2020 and 2021. On October 23, 2020, a ceasefire stopped the most recent outbreak of hostilities and with a tenuous peace in place there were opportunities for a stabilization of the country, and reconstruction and transition to democracy to begin. These opportunities have unfortunately so far not materialized. Meanwhile, new and old power brokers like Muammar Gaddafi's son Seif al-Islam Gaddafi and Khalifa Haftar, a rivaling warlord based in Tobruk, as well as a competing government based in the same city, now challenge the internationally recognized government in Tripoli.

The impermanence of peace in Libya notwithstanding, the Valletta Memorandum was renewed for an additional three years in February 2020. That year alone, 12,000 migrants were pulled back to Libya by the Libyan Coast Guard, partially equipped and trained by the EU and European countries like the UK and Italy (Ferstman, 2020; InfoMigrants, 2021; Phillips, 2020). The migrants now “contained” in Libya are often kept in squalid conditions in an opaque network of camps and detention centers belonging to a range of different actors, both governmental (keeping in mind that Libya has for most of the past decade had at least two competing governments) and non-governmental, meaning run by tribal factions, city-state militias, armed groups, or NGOs and IGOs from the international community (Larémont et al., 2020; Phillips, 2020). Additionally, the search and rescue capacity (SAR) of the Libyan Coast Guard – itself a much-disputed entity with ties to human trafficking across the Mediterranean and a frequently documented lack of respect for migrants’ rights – has been ramped up, as direct official European involvement in naval patrol and rescue operations have been scaled back (Tondo, 2019). Finally, NGOs active in the Mediterranean in the initial years after the 2015 have been curtailed and even criminalized for their activities (Mainwaring & DeBono, 2021). The result is a situation in which so-called “irregular” migrants in Libya are essentially prevented from both leaving Libya and entering the EU, with the renewed 2017 Valletta Memorandum giving highly debatable migration management externalization efforts a veneer of legality, where none should exist if the migration governance processes involved were instead viewed alongside European ideals and stated adherence to human rights standards.

### ***4.3.2 The 1998 Joint Communiqué***

On July 4, 1998, a Joint Communiqué and a verbal process were signed by the two countries promoting collaboration in the field of petroleum and gas in exchange for political recognition of Libya, while presenting migration management as a mutual interest (Coralluzzo, 2008; Labanca, 2015; Lombardi, 2011). The 1998 Communiqué framed the collaboration as a mutual desire to leave the negative colonial heritage behind (Italian & Libyan Governments, 1998a, b). Both documents instead look to the



future, a future that no polemic, disagreement or contention should mar. The implication is that an acknowledgement of past misdeeds, brutality and imbalance of power cannot coexist with a new future, and that historical memory stands in the way of progress. The political *rapprochement* hinted at in the Italo-Libyan documents of 1998 would take a decade to mature and come to fruition. It is, however, noteworthy that the number of migrant crossings to Italy from Libya and related drowning deaths the Mediterranean rose significantly, with more than a quadrupling of registered arrivals, from 5500 to almost 23,000 between 1998 and 2005. In the same time period 1641 people died at sea while making the journey. Going as far back as the mid-1990s, Gaddafi had claimed that Libya was simply a transit country for migrants and not itself a destination country. The increase in crossings strengthened this claim, allowing Gaddafi to use it as a bargaining chip to support Libyan demands for a lifting of sanctions and a readmission into the international community. His potential influence over migratory flows towards Europe through Libya, gave Gaddafi another means of pressure in dealing with Italy and other European countries, in addition to their economic interests in Libyan oil and gas, set to grow even further.

As quickly as in August 1999, ENI announced a US\$5.5 billion deal with its Libyan counterpart in the National Oil Company (NOC) to build a cross-Mediterranean gas pipeline called Greenstream, as well as to expand gas and oil exploration and exploitation in the country. At this point ENI was responsible for more than half of Libya's oil exports, and the two economies became ever more intertwined, ensuring an increased importance of Italo-Libyan petroleum industry for their shared migrant policy, as we shall see in the coming subsection.

### ***4.3.3 The 2008 Treaty on Friendship, Partnership and Cooperation***

The second of the three migration management milestone agreements, the 2008 Friendship Treaty is arguably the most important one. It traded an increase in Libyan border control and a clampdown on "illegal migration" in return for further Italian financial aid and investment. It also created the framework for large-scale *refoulement* to Libya of migrants en route to Europe intercepted in the Mediterranean. This was done through several major developments: for one, it marked a key step forward in the externalization of Italy's migration regime to Libya, by allowing for joint Italo-Libyan coast guard patrols which quickly led to a much more organized pushback of migrants seeking to reach Italy than the more scattered efforts previously seen. Alessandro Triulzi (2013) called it a "systematic refoulement" of all northbound migrant boats across the Mediterranean. The then serving Italian Minister of Interior Roberto Maroni went as far as praising these harsh tactics as a "model for the whole of Europe". This treaty also intimately tied the colonial past to both economic and migrant policing cooperation through including an apology and promises of colonial reparation. It is notable that no other former colonial power has

yet apologized for past wrongdoings or promised reparations as Italy did in that year's treaty with Libya. However, the apology can be read in many ways. In general, Italian and international media at the time accepted it quite uncritically or reacted in somewhat surprising ways, with Italian newspaper *Il Giornale* arguing that Berlusconi had paid too high a price for the deal, while the German daily *Süddeutsche Zeitung* lauded the colonial apology and promise of reparation for being "not only morally but also financially expedient" (De Cesari, 2012).

Different scholars have taken an interest in these diplomatic gestures and forms of apology (Ballinger, 2016; Lombardi, 2011), both praising and criticizing it (De Cesari, 2012; Miranda, 2011; Morone, 2013, 2017; Ronzitti, 2009). De Cesari has observed that while the treaty/apology on the surface addresses past colonial misdeeds, it never explicitly points out what they were, nor talks about the damage done concretely. Instead it calls for final closure and an end to contentiousness and heated discussions on the matter of the colonial era, discussions and exchanges that had never taken place. De Cesari mentions the writing of Stoler and her term "colonial aphasia". It implies that there is no lack of societal memory or knowledge on the topic of colonialism, in contrast to the view that there is a reigning colonial amnesia or silence. Rather, colonial aphasia tells us that there is an inability to truly comprehend, reflect and learn from the colonial past. Morone posits that the treaty was quite simply a case of *realpolitik*. Behind the excuses for Italy's past behavior, their shared history served as political capital. It benefited both the Libyan regime in its desire for international acknowledgement and economic development, and the Italian government in its search to externalize their border further.

#### 4.3.4 *The 2017 Valletta Memorandum of Understanding*

As we have seen above, the signing of the Valetta Memorandum in February 2017 was the outcome of a longer process, where Italy sought to revive the clauses of the 2008 Friendship Treaty relating to migration management just months after Gaddafi's fall in 2011. This process proceeded unevenly through the handling of increased migration in 2015–2016 and the yet-to-be solved Dublin Regulation debacle, which hindered an intra-European accord on migration matters. This new Valetta Memorandum established "temporary detention centers" and European-paid patrols against "fuel smuggling" (Italian & Libyan Governments, 2017). Despite the difficulty of accessing and assessing the state of migrants in these Libyan detention centers, both media and humanitarian organizations documented the dire conditions that an increasing number of migrants were experiencing, criticizing both the EU and Italy for the human cost of their deal making. The NGOs that chose to work in Libya to better the camp conditions and the lives of those migrants held there, speak of an impossible choice: they do not want to be seen as legitimizing the initiative to construct a network of camps in Libya to retain migrants heading towards Europe, but nonetheless accept funding from Italy and the EU to help improve the situation for detainees. Along the coastline of Cyrenaica in the East, many of these detention

centers are located in the same areas that housed internment camps in the 1930s (Tjønn & Lemberg-Pedersen, 2022). Drawing a direct comparison between these colonial internment camps and today's migrant detention centers may be unfounded, yet ignoring this history would also be a grave omission. The fact that the Valletta Memorandum means the EU is now involved in funding the memorandum's end goals – thereby tacitly endorsing its means – also raises a series of moral and humanitarian questions and complications. Aside from EU's involvement in the Valletta Memorandum, the Union has also increased its migration management efforts vis-à-vis Libya in other ways, which we will now turn to in the final section.

#### 4.4 The EU's Recent Growing Role, with Italy as an Intermediary

After several incidents in the Mediterranean with large-scale shipwrecks, and many people drowning, different responses were put in motion. Italy set up the naval-humanitarian Search and Rescue operation Mare Nostrum, in October 2013, after a large, overfilled vessel caught fire and went down just outside Lampedusa. The operation was ended a year later and was replaced by the Frontex-led operation Triton – after accusations that the Italian-led operation encouraged more migrants to cross the sea (FRONTEX, 2018). After two large incidents again in April 2015, in a context of steadily increasing numbers of people crossing the Mediterranean, new measures were taken. Triton transitioned to Triton II, a more robust operation. In June, EUNAVFOR MED was launched as an EU military operation meant to combat migrant smuggling and trafficking. The mission's mandate was:

*...to undertake systematic efforts to identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers, in order to contribute to wider EU efforts to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean and prevent the further loss of life at sea (Operation Sophia, 2019a).*

The mission, also called Operation Sophia – after the name of a baby born onboard one of its ships in August that year (European Commission, 2016) – has later seen its scope of activities be extended twice: first, in June 2016, to include training of the Libyan Coast Guard and Navy, and a mandate to contribute to the implementation of the UN arms embargo off the coast of Libya. In July 2017, the operation was also tasked with monitoring the efficiency of the training of the Libyan Coastguard and Navy, and to gather information on illegal trafficking of oil exports from Libya. Finally, the operation was tasked with enhancing the means of information sharing between member states law enforcement agencies, FRONTEX and EUROPOL, especially relating to human trafficking. Later, the FRONTEX-led border management operation Triton was replaced by Operation Themis, launched on February 1, 2018.

The training of the Libyan Coast Guard (LCG) as part of Operation Sophia had several precedents, including provisions in the 2008 Italo-Libyan Friendship Treaty, and the EU Border Assistance Mission (EUBAM) border assistance mission, initiated in 2013. The training picked up pace after the Valletta Memorandum of Understanding between Italy and Libya and the related Malta Declaration of the European Council, also signed early February 2017 (Cuttitta, 2018, Pianigiani & Walsh, 2017). Operation Sophia was not without its critics: one of the most outspoken of these critics was the former Italian Interior Minister Matteo Salvini. Salvini, according to reports was one of the prime architects behind Operation Sophia losing all its vessels and maritime assets in March 2019, as he claimed Operation Sophia and naval operations like it, acted like ‘pull-factors’ for migrants. It should be noted this is a claim not borne out by research. Salvini also announced his intention to refuse ships carrying rescued migrants to dock at Italian ports, be they part of EUs officially sanctioned operations, or run by civilian NGOs, so as to eliminate another so-called migrant “pull-factor”. Operation Sophia still retained reconnaissance aircrafts and drones, but implicit in this is was a shift towards taking a more “back-seat” position focused on monitoring, to maintain a so called *maritime situational awareness* and leaving the SAR-work to the LCG (Maccanico, 2019; Mantini, 2019; Pietz, 2019).

#### ***4.4.1 The Libyan Coast Guard***

There are also other issues that make the LCG a less than ideal partner for the EU in the Mediterranean. The Libyan Government of National Accord (GNA), which the LCG sort under, is the only Libyan government recognized by the international community. It is however, at the moment only in direct control over Tripoli and surrounding towns, with a volatile security situation that has only worsened since Tobruk-based strongman Khalifa Haftar’s latest prolonged assault, beginning in 2019 and only ending with the ceasefire of 2020. Haftar leads a rival Libyan powerbase in the Libyan National Army (LNA), with recent developments suggesting the already prolonged conflict only worsening. Underlying these two larger factions, are a myriad of clans, armed groups and city militias, with shifting allegiances and plentiful weapons and munitions (Kirkpatrick, 2019). The EU obviously cannot choose the conditions under which to work, but not much in the current Libyan situation suggests that the LCG or the country as a whole can be considered a stable, responsible and accountable migration management partner.

The practices of the LCG have been quite contested, with histories of torture of migrants upon their return to holding centers in Libya repeatedly surfacing, as well as examples of supposed coast guard associates doubling as migrant smugglers (Pietz, 2019; Tondo, 2019). Despite these incidents, Operation Sophia claimed to have successfully trained 555 Libyan coast guard officers as of October 3, 2019 (out of a personnel total of approximately 1000), and had its mandate furthered until March 31, 2020 (Global Security, 2017; Operation Sophia, 2019b). Operation

Sophia was then closed down with grand declarations about its merits, and a new Operation Iriini was set in place a few months after. The main task of Operation Iriini – to uphold the UN arms embargo put in place after the latest outbreak of violence in Libya – acts as a tacit admission that migrant rescue in the Central Mediterranean is now implicitly seen as a part of the LCG’s remit, despite the severe issues described above.

## 4.5 Conclusion

In this chapter we have seen that the evolution of the joint migration management framework that governs migrant crossings across the Central Mediterranean Route from Libya to Italy today, has a longer history than often acknowledged. Its main actors – Italy, Libya and eventually the EU – all had their specific reasons and rationales for engaging in it. For Italy, it was the need to adhere to the Schengen agreement’s requirement of ‘harder’ external borders in order to loosen up borders internally in the Union, combined with an increasing domestic political concern with migration, as the numbers of migrant arrivals rose. For Libya, the initial desire for political acknowledgement after a time spent as an international pariah, evolved into a need for both political and economic engagement by Italy, as the Gaddafi regime was overturned, and a decade of volatility ensued. The EU, after the political convulsions caused by the “Long Summer of Migration” in 2015–16, urgently signed new deals like the 2016 EU-Turkey Statement or signed on to expanded versions of previous bilateral agreements between Italy and Libya, like the 2017 Valletta Memorandum. This memorandum, and its preceding agreements in the form of the 1998 Joint Communiqué and the 2008 Friendship Treaty, were the focus of our third section. As seen in our third and final section, this cross-Mediterranean relationship has evolved into a new phase in the post-Gaddafi years, with a politically challenging situation in Libya, and a political climate in Europe bent on ever-stricter migration control, with the EU taking an ever-increasing role. This has in particular affected the physical presence at sea, Search and Rescue efforts in particular, but also the mere presence of border control vessels – with an obligation to provide rescue, all eventually seen as contributing to bringing migrants over to Italy. The quite harsh reception offered by Italy towards NGO-led rescue vessels in recent years is a testimony to this. As the second decade of the twenty-first century came to a close, the Italian-Libyan relationship had thus evolved into one where migration management efforts were increasingly pushed over to Libya, facilitated through funding and training of the Libyan Coast Guard – sanctioned by the EU in EU-anchored agreements and operations. Libya, still divided among two ruling factions, only one being internationally recognized, is in need of international engagement – although the insights brought about how migrants are treated in Libya is likely to still complicate that for some time.

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